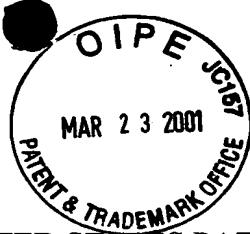


0660-0172-0 CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

MARYSE GIBERT ET AL

: EXAMINER: PORTNER

SERIAL NO: 09/531,438

:

FILED: MARCH 20, 2000

: GROUP ART UNIT: 1645

FOR: CLOSTRIDIUM TOXIN, AND
PROCESS FOR THE PREPARATION
OF IMMUNOGENIC COMPOSITIONS

PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Responsive to the Notice To Comply dated February 28, 2001, Applicants submit herewith a Sequence Listing and a computer-readable Sequence Listing. Prior to examination on the merits, please amend the above-identified application as follows.

IN THE SPECIFICATION

Please amend the specification as follows:

Page 4, second paragraph, delete in its entirety and insert therefor the following new paragraph.

--More particularly, in its first aspect, the invention provides a nucleic acid

characterized in that it has a transcriptional promoter activity and in that it comprises:

(a) all or a portion of sequence SEQ ID NO:3 or a variant thereof; or

Docket No. 0660-0172-0 CONT

IN RE APPLICATION OF: Maryse GIBERT et al

SERIAL NO: 09/531,438

FILED: March 20, 2000

FOR: CLOSTRIDIUM TOXIN, AND PROCESS FOR THE PREPARATION OF IMMUNOGENIC COMPOSITIONS



6AU-1645 \$

WD Box-Seq

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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MAR 28 2001

SIR:

Transmitted herewith is an amendment in the above-identified application.

- No additional fee is required
- Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- Additional documents filed herewith: Sequence Listing (paper); Computer-Readable Sequence Listing (Diskette); Notice to Comply; Marked-up copy

TECH CENTER 1600/290

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	38	MINUS	38	0	× \$18 =	\$0.00
INDEPENDENT	4	MINUS	4	0	× \$80 =	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				+ \$270 =		\$0.00
TOTAL OF ABOVE CALCULATIONS						\$0.00
<input type="checkbox"/> Reduction by 50% for filing by Small Entity						\$0.00
<input type="checkbox"/> Recordation of Assignment				+ \$40 =		\$0.00
					TOTAL	\$0.00

- A check in the amount of is attached.
- Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon
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Daniel J. Pereira, Ph.D.
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